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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/539,843

06/20/2005

Klaus Linhard

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5012

41288

7590

06/20/2008

PATENT CENTRAL LLC

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EXAMINER

ENSEY, BRIAN

ART UNIT

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2615

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/539,843	LINHARD, KLAUS	
	<b>Examiner</b>	<b>Art Unit</b>	
	Brian Ensey	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 22-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-34 and 38 is/are allowed.
- 6) ☒ Claim(s) 22 and 37-43 is/are rejected.
- 7) ☒ Claim(s) 23 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/01/06</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because figures 1-3, 9 and 10 are dark unclear in certain areas. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Objections***

Claims 35 and 36 are objected to because of the following informalities: Claim 35 is dependent on canceled claim 1. Claim 36 is dependent on improper claim 35. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 40-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 40 recites the limitation "the people or objects" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim. Claim 41 is dependent upon rejected claim 40 and is therefore also has insufficient antecedent basis for this limitation in the claim.

Claim 40 is grammatically and idiomatically awkward. As best understood by the Examiner, claim 40 is interpreted to claim utilizing the reflector to direct the sound to specific people or objects.

Claim 42 recites the limitation "the people or objects" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim. Claim 43 is dependent upon rejected claim 40 and is therefore also has insufficient antecedent basis for this limitation in the claim.

### ***Specification***

The disclosure is objected to because of the following informalities: Paragraph 0002, lines 3 and 4 reference characteristic of the present invention "in accordance with the precharacterizing parts of patent claims 1 and 13". Paragraph 0009, lines 3 and 4 also reference features of specific claims and subclaims. Since patent claims can change during prosecution, it is improper to reference characteristics of the claims in the body of the specification. The specific characteristics desired should be detailed in the specification.

Appropriate correction is required.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the

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printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The present abstract includes the phrases, "The invention describes..." and "The invention provides...".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 22 and 37 are rejected under 35 U.S.C. 102(a) as being anticipated by Kinya Japanese Patent Publication 2005073126A.

Regarding claim 22, Kinya discloses a directional loudspeaker, comprising a sound source for producing highly directional sound which is formed by at least one ultrasound loudspeaker (1), a pivotable reflector (20A, 20B) being provided for deflecting the directional sound, wherein the at least one ultrasound loudspeaker is located in a housing, wherein the

reflector is connected to the housing, and wherein the housing is mounted on a support so as to be able to pivot and tilt relative to said support (See Figs 1-3 and abstract translation).

Regarding claim 37, Kinya discloses a method for operating a directional loudspeaker, comprising: emitting highly directional sound from a sound source via at least one ultrasound loudspeaker (1), and deflecting the emitted sound by means of a reflector swivel-mounted on the housing (20A, 20B), wherein for the directional orientation of the sound the housing or the inner part of the housing with which the reflector is connected is tilted or pivoted relative to the base of the housing or its supplemental housing outer part (See Figs 1-3 and abstract translation).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinya in view of Lin U.S. Patent No. 5,914,700.

Regarding claim 39, Kinya does not expressly disclose the sound source is mechanically protected by pivoting the reflector such that it closes it off particularly from environmental influences such as soiling and moisture. However, the use of pivoting reflectors to protect the sound source is well known in the art and Lin teaches a louver structure for a loudspeaker housing with slats which close to protect the speaker against dust accumulation (See Fig. 1 and

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abstract. Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention to close the louvers of Kinya to to protect the speaker against duct accumulation.

Regarding claim 40, the combination of Kinya in view of Lin further discloses the reflector is oriented suitably for the purpose of radiating to a specific location (See translation abstract).

### ***Allowable Subject Matter***

Claims 25-34 and 38 are allowed.

The prior art does not disclose or fairly suggest a swivel mounted reflector moved via a bearing along an upper wall of an ultrasound loudspeaker housing or a reflector connected to and mounted on the top wall of the speaker housing such that it can be moved along the top of the wall.

Claims 23 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Ensey whose telephone number is 571-272-7496. The examiner can normally be reached on Monday - Friday 6:00 AM - 2:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Suhan Ni can be reached on 571-272-7505. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, Va. 22313-1450

**Or faxed to:**

(571) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "PROPOSED" or "DRAFT".  
Hand-delivered responses should be brought to:

Customer Service Window  
Randolph Building  
401 Dulany Street  
Arlington, VA 22314

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian Ensey/  
Primary Examiner, Art Unit 2615  
June 16, 2008